

R.I.STATE BOARD OF ELECTIONS

MINUTES OF MEETING

WEDNESDAY, FEBRUARY 3, 2016

The Rhode Island State Board of Elections convened at 7:03 P.M. at the Rhode Island Board of Elections, a quorum included, Acting Chairman William West, Commissioners Richard Dubois, Stephen Erickson, Richard Pierce and Frank Rego. Legal Counsel Raymond Marcaccio and Acting Executive Director, Robert Rapoza were also in attendance.

The meeting was called to order by Acting Chairman West:

- 1. The Board may vote to certify the mail ballots for the Foster Town Council Special Election held on February 2, 2016.**

A motion was made to certify the mail ballots for the Foster Town Council Special Election held on February 2, 2016. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

- 2. The Board may vote to approve the minutes of the meeting held on January 27, 2016.**

A motion was made to approve the minutes of the meeting held on January 27, 2016. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

- 3. The Board may vote to approve the minutes of the legislative workshop held on January 27, 2016.**

A motion was made to approve the minutes of the legislative workshop held on January 27, 2016. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

- 4. The Board may vote to approve and/or amend staff recommendations for proposed legislation for submission to the General Assembly. The summary of the proposed changes are as follows:**

- a. R.I. Gen. Laws §§ 17-25-3 and 17-25-10.1 are amended for the purpose of eliminating aggregate limits that a person can contribute in a calendar year and adding reporting requirement for contributions that have been earmarked, in order

to comply with United State Supreme Court ruling in *McCutcheon v Federal Election Commission*, 134 S.Ct. 1434 (2014).

After hearing comments from John Marion, Common Cause and Steve Brown, ACLU of Rhode Island, and a summary and added definition from Legal Counsel, Raymond Marcaccio about changes from the original proposed changes, a motion was made to approve the amended legislation. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

A motion was made to approve the following proposed legislation for submission to the General Assembly without change:

- b. R.I. Gen. Laws §17-25-11(c)(2) is amended to include a provision for submission of a paper copy of a candidate's or office holder's bank account statement upon dissolution of the account with the Board of Elections.
- c. R.I. Gen. Laws § 17-25-10(b) is amended in order to eliminate the ambiguity of reporting requirements for an independent advocate found in Title 17, Chapter 25.3 of the General Laws.
- d. R.I. Gen. Laws § 17-19-1(7) is amended to delete the reference to "party" and to modify the definition of a vote to conform to new voting equipment.
- e. R.I. Gen. Laws § 17-15-14 is amended to delete sub-paragraph (c) so that local boards of canvassers may hire poll workers for primaries who are employed by either the United States government, the State of Rhode Island, or any municipality within the State of Rhode Island.
- f. R.I. Gen. Laws § 17-19-4 is amended to delete sub-paragraph (c) and modify sub-paragraph (b) for the purpose of eliminating the current ratio of one voting booth for every 175 qualified electors, in order to provide the Board with the flexibility to increase or decrease voting booths necessary to facilitate the orderly conduct of the election.
- g. R.I. Gen. Laws § 17-19-12 is amended to delete the requirement that the local boards of canvassers retrieve election supplies from the Board of Elections, and authorizes the Board of Elections to deliver or retrieve election supplies through an officer determined by the State Board.

- h. R.I. Gen. Laws § 17-19-13 is amended to make optional the designation of and provision of optical scan voting equipment and sample ballots to each of the 39 regional sites within the state.
- i. R.I. Gen. Laws § 17-19-23 is amended to delete sub-paragraphs (2) and (4) and further modifies the statute to permit the use of more than one bipartisan pair of supervisors within the polling place.
- j. R.I. Gen. Laws § 17-19-31 is amended to refer to the electronic versions of the mail ballot consistent with the use of new voting equipment.
- k. R.I. Gen. Laws § 17-19-33 modifies the statute to include best practices, new voting equipment, and to accommodate the potential use of electronic poll books in future elections.
- l. R.I. Gen. Laws § 17-20-2.1 is an amendment to change the mail ballot application, permitting the application to serve as an affirmation form for inactive voters who request a mail ballot from the address from which the voter is currently registered.
- m. R.I. Gen. Laws § 17-20-2.2 is modified to permit the mail ballot application to be used as an affirmation form for inactive voters who request a mail ballot from the address from which the voter is currently registered. The amendment also eliminates the language on the application that requires voters to state the nature of the emergency, which is no longer required under Rhode Island law.
- n. R.I. Gen. Laws § 17-20-19 is amended for the purpose of deleting the reference to the Board of Elections' address.
- o. R.I. Gen. Laws § 17-20-23 is amended for the purpose of modifying sub-paragraph (d) to delete the language that the oath envelope must be sealed in the outer envelope and also changes the time that the ballot must be received by the Board to match the requirements of other statutes that indicate when polls close or ballots must be received by the Board.
- p. R.I. Gen. Laws § 17-20-29 is amended to permit a voter who has requested a mail ballot but has not voted, to be allowed to receive a provisional ballot on the primary/election day.
- q. R.I. Gen. Laws § 17-23-2 is repealed in order to be consistent with the United States Supreme Court ruling in *McIntyre v Ohio Elections Commission*, 514 U.S. 334 (1995) and a recent ruling by the United States District Court for the District of Rhode Island

in the matter of *John Blakeslee v. The Attorney General for the State of Rhode Island, et al.*, C.A. No. 14-187-S.

Voting in the affirmative for proposed legislation b-q for submission to the General Assembly were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

5. **The Board may vote to approve a regulation relating to polling place conduct, to be submitted for public review and comment, consistent with the rulemaking requirements of the Administrative Procedures Act, R.I. Gen. Laws §42-35-2, et seq.**

A motion was made to approve a regulation relating to polling place conduct, to be submitted for public review and comment, consistent with the rulemaking requirements of the Administrative Procedures Act (APA), R.I. Gen. Laws § 42-35-2, et seq. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

6. **The Board may discuss and vote on the type of qualifications to be sought for filling various employment positions within the Board organization, including a vacancy in the Campaign Finance division.**

After a discussion, a motion was made that the staff would interview applicants who are qualified to fill various employment positions within the Board organization, including a vacancy in the Campaign Finance division. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

7. **The Board may discuss and vote upon a policy to be adopted relating to deceased candidates and the disposition of a deceased candidates' campaign finance account including any remaining monies within the campaign account.**

After a discussion, a motion was made that the Board would consider a regulation to be prepared by Attorney Raymond Marcaccio to address the disposition of a deceased candidates' campaign finance account. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

8. **The Board may vote to meet in executive session pursuant to R.I. Gen. Laws §§ 42-46-5(a)(4) and 17-25-5(a)(i) to discuss and/or vote on possible violations of campaign finance laws in a campaign finance matter.**

A motion was made to meet in executive session pursuant to R.I. Gen. Laws §§42-46-5(a)(4) and 17-25-5(a)(i) to discuss and/or vote on possible violations of campaign

finance laws in a campaign finance matter. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

9. The Board may vote to meet in executive session to discuss a personnel matter pursuant to R.I. Gen. Laws § 42-46-5(a)(1).

A motion was made to meet in executive session to discuss a personnel matter pursuant to R.I. Gen. Laws §42-46-5(a)(1). Attorney Raymond Marcaccio stated that he did not notify the employee, in accordance with instructions from the Chair. The motion was withdrawn. A motion was made to continue this item on the next agenda. Voting in the affirmative to continue were Acting Chairman West, Commissioners Dubois, Erickson, Pierce and Rego. Motion passed 5-0.

The Board moved to executive session at 7:58 P.M.

The Board reconvened at 8:12 P.M.

The Board voted in executive session pursuant to R.I. Gen. Laws §§ 42-46-5(a)(4) and 17-25-5(a)(7)(i) on the violation of campaign finance laws presented by Richard Thornton, Director of Campaign Finance in a campaign finance matter for Representative Raymond Gallison, Jr. and disclosed their decision:

Board member Rego recused and departed from the executive session. Raymond E. Gallison, Jr. waived his right to a hearing and consented to a finding that his actions violated the provisions of RI Gen. Laws §17-25-5 and consents to a fine in the amount of \$800.00, \$400.00 suspended on the condition that he submit documentation to the Board of Elections supporting his campaign finance reports from the present through the 4th quarter of 2016 with the remaining \$400.00 to be paid by Raymond E. Gallison, Jr. personally and the Friends of Raymond E. Gallison, Jr. Representative For RI District 69 account shall forfeit \$800.00 of the misreported contributions to the State of Rhode Island. Representative Raymond E. Gallison, Jr. also agrees to properly supervise his campaign treasurer and review his campaign finance reports. All fines and forfeitures shall be received by the Board of Elections within 30 days of the execution of this consent order; a failure to abide by these terms shall render the order null and void.

Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, and Pierce. Commissioner Rego recused. Motion passed 4-0.

Next meeting date was set for Wednesday, March 16, 2016 at 7:00 P. M.

A motion was made to adjourn. Voting in the affirmative were Acting Chairman West,

Commissioners Dubois, Erickson, and Pierce. Motion passed 4-0. Meeting adjourned at 8:15 P.M.